

**MINUTES:
COLUMBUS PLAN COMMISSION
WEDNESDAY JANUARY 2, 2003 AT 4:00 P.M.
MEETING HALL, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: John DeLap, John Hatter, Shirley Todd, Jack Heaton, Patricia Zeigler, Steve Ruble, Craig Hawes, Dave Bonnell, Mike Gillespie and Gary Nienaber.

Members Absent: Mike Thomasson.

Staff Present: Roger Hunt, Planning Director, Laura Thayer, Tiffany Strait, Sondra Bohn, Thom Weintraut; Heather Pope and Eric Hayes, Deputy City Attorney.

LIAISON REPORTS

Written reports were received and discussed.

CONSENT AGENDA

Motion: Mr. Heaton made a motion to approve the December 4, 2002 minutes. Mr. Ruble seconded the motion and it passed unanimously.

OLD BUSINESS

PUDF-02-10; Golden Corral Final PUD Plan-A request initiated by D&L Development, LLC for a Detailed Final PUD Plan for property located on the northwest corner of 10th Street and National Road (U.S. 31), to include construction of a new Golden Coral restaurant of 10,330 square feet, a parking area of 109 spaces, and associated landscaping, signage, lighting, and other infrastructure.

Ms. Thayer presented the background information on this request as follows:

As Plan Commission members will recall, this petition was approved at the December meeting with several conditions, with the exception of signage. The Commission asked the petitioner to work with staff on signage and return to the Plan Commission on January 2, 2003. The petitioner is in the process of working with staff to meet the conditions imposed by the Commission, and has also submitted a new sign package.

The fact that the Lowe's store had used most of the wall signage allocated to the PUD was a point of much discussion at the December meeting. The petitioner is now proposing a modest amount of wall signage (compared to what the ordinance would allow were this a separate commercial lot and not part of a PUD). He is also requesting tenant signs on the Lowe's pylon sign.

Staff recommends approval, but also suggests establishing firm limitations on signage for the remaining outlot. Staff recommends allowing, for each of the PUD outlots, no more than 100 square feet of wall signage per frontage, as well as one-third of the square footage allocated

for tenant signs on the pylon sign. The total allocated for tenants is 250 square feet per face per sign, or approximately 83 square feet per outlot.

Much discussion was held regarding signs.

Mr. Hunt suggested that all tenant signs on the pylon be the same size for all tenants.

Dan Schnur of Schneider Corporation represented the petitioners.

He said the sign package that was being recommended was very similar to what the petitioners had requested. He stated it was a standard Golden Corral sign package. He said they withdrew the request for the reader board sign.

Mr. DeLap opened the meeting to the public.

Ms. Stephanie Pierret, Dottie Harvey and Dick Knobloch expressed concern about the number of signs at this location.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Bonnell made a motion to approve with staff comments. Mr. Nienaber seconded the motion and carried with a vote of 10-0.

Mr. Nienaber recused himself from the following request.

PUD-02-11; COLUMBUS CROSSING PUD RECOMBINATION/SIGNAGE REZONING, A request by Menard's Inc. to amend PUD plans for Columbus Crossing PUD and the Brex Park East PUD. The Columbus Crossing PUD consists of approximately 116.61 acres and is located immediately south of Jonathan Moore Pike, west of the new Carr Hill Road (formerly Brex Park Drive), and east of the interstate 65. The Brex Park East PUD, consists of 53.34 acres and is bounded on the north by SR 46, on the west by the new Carr Hill Road (formerly Brex Park Drive), and on the east and south by Morgan Willow Trace (formerly Carr Hill Road). The purpose of the request is to combine the two PUDs, and to approve signs for the entire development and for the Menard's store.

Mr. Nienaber recused himself from this request due to his being a neighboring property owner.

Ms. Thayer presented the background information on this request as follows:

Most of the major issues with the Menard's development (access, landscaping, sidewalks, parking, etc.) have been resolved through the two previous PUD processes and will not be rehashed here. Besides combining the two PUDs, the only unresolved issue relating to this petition is signage; none of the conditions have been changed except for the conditions relating to signage.

Signs shall be limited as follows: A maximum of two freestanding pylon signs for the entire development shall be permitted, as follows:

- One multi-tenant-capable pylon sign in the vicinity of the Merchants Mile cul-de-sac, oriented to and visible from the I-65 corridor, with a maximum height of 70 feet and a maximum size of 400 square feet, including identification sign of 170 square feet and

tenant signs totaling 230 square feet, and a limit of four (4) tenant signs @ 57.5 square feet per sign.

- One multi-tenant-capable pylon sign on the southeast corner of State Road 46 and Carr Hill Road (formerly Brex Park Drive); with a maximum height of 40 feet and a maximum size of 400 square feet, including identification sign of 170 square feet and tenant signs totaling 230 square feet, and a limit of four (4) tenant signs @ 57.5 square feet per sign.
- Other than the two pylon signs, all permanent commercial sign types shall be restricted to monument signs, wall signs, and/or directional signs.
- Monument signs shall be limited to the parameters specified in Chapter 17.46 (Signs) of the Columbus Zoning Ordinance.
- Wall signs shall be restricted to a maximum of five signs for the Menard's store including the Menard's logo sign of 312 square feet and four smaller signs totaling 188 square feet, with total square footage limited to 10 percent of the building façade, or 500 square feet aggregate, whichever is less.
- Wall signs shall be restricted to a maximum of two signs per building façade for all other establishments, with total square footage limited to 10 percent of the building façade, or 350 square feet aggregate per establishment, whichever is less.
- Each tenant shall be allowed the option to place its own sign on each freestanding pylon structure for the Columbus Crossing development, in exchange for eliminating signage of equal square footage on its own lot, provided that the maximum square footage on the pylon sign(s) determined by this ordinance is not exceeded.
- Construction signage shall be limited to a maximum size of 32 square feet per face and a maximum of one 90 degree angled sign structure per street frontage.
- Appropriate directional signage shall be allowed for the main lot and each out lot, with limits as specified in Chapter 17.46 (Signs) of the Columbus Zoning Ordinance.
- Planning Department staff shall have the authority to approve signs that conform with, or that do not exceed a 15 percent increase in height or square footage requirements of, Chapter 17.46 (Signs) of the Columbus Zoning Ordinance or of the provisions of this rezoning ordinance, whichever apply. Signs that do not meet the criteria of this subsection shall require the approval of the Plan Commission after a public hearing.

The two PUDs were established at different times due to the company's property acquisition schedule, although Menard's Inc. always had a vision for one cohesive development, and had earlier indicated the intention of combining the two PUDs at some point. The combined PUDs will be easier for the Plan Commission and staff to administer, and easier for owners, tenants, and the public to understand.

Tom O'Neil of Menard's Inc. represented the petitioner.

He stated that the sign plan recommended was not what Menard's had shown in their presentations. He said they wanted to be user friendly and development driven. He said he would hate to lose a large retailer because of signage. He said with a 180-acre development

the signs requested are not out of line with the request.

Mr. DeLap opened the meeting to the public.

Dick Knoblock, Stephanie Pierret, Terry Marbach and Dody Harvey expressed concern about the number of signs allowed at this location and the current sign ordinance not being followed.

Mr. Bob Dalmbert stated he was in favor of allowing the signs at this location and that Menard's has been a responsible landowner.

Mr. DeLap closed the meeting to the public.

Much discussion was held regarding details of the sign plan including number and

Motion: Mr. Heaton made a motion to approve this request with staff comments. Mr. Bonnell seconded the motion and it carried with a vote of 7-2. Ms. Zeigler and Ms. Todd were the nay votes.

Mr. Nienaber rejoined the meeting.

RZ-02-08: COLUMBUS MUNICIPAL AIRPORT (VICKERS/CHAPA-REZONING-(returned by City Council with amendment) A petition by the Columbus Board of Aviation Commissioners to rezone four properties, totaling approximately 8.56 acres at the Columbus Municipal Airport within the City of Columbus, from B-2C (Community Business with conditions) to B-2C (Community Business with amended conditions), for the purpose of allowing Business Services and Professional Offices to be added to the list of permitted uses. The four properties are located as follow:(a) a 228 acre tract on the northwest corner of Whitney Court and Vickers Drive; (b) a 1.42 acres lot on the northeast corner of Whitney Court and Vickers Drive (which is also the northwest corner of Whitney Court and Central Avenue); (c) a 1.29 acre lot on the west side of Central Avenue immediately north of the property described in (b) (which is currently occupied by the State Farm building); and (d) a 3.57 acre lot on the northeast corner of Central Avenue and Chapa Drive.

Mr. Hunt presented the background information as follows;

This item was before the Board on December 4, and went to City Council on Dec. 17. At that time, the Council expressed concerns about several items on the list of permitted uses, most specifically clothing services, equipment, and food service uses. Council felt that some potential businesses along these lines would not be in keeping with the city's Technology Park to the north. (At the time those uses were approved several years ago, the Tech Park had not yet been conceived.)

The Council adopted the rezoning ordinance after amending it by striking out the three types of uses. Under Indiana law, this amendment must be approved by the Plan Commission in order for the rezoning to become effective. If the Plan Commission agrees with Council and affirms the amended ordinance, it becomes effective instantly upon the Commission's favorable vote.

Staff agrees with the Council's reasoning and we see no harm in striking the three uses listed. To our knowledge, there are no plans on the horizon to locate these types of businesses in the subject area, and they do none exist at present; therefore, this would merely close the

barn door before the horse is out.

Staff recommends the amended ordinance be affirmed as adopted by Council.

Mr. Hawes explained the City Council's position on this request. It was their intent to eliminate some of the uses that would be allowed at the airport property and would become effective immediately.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this request.

Mr. DeLap closed the meeting to the public.

Mr. Hunt said he had received a call from the airport board stating that they were in agreement with this recommendation.

Motion: Ms. Zeigler made a motion to approve this request. Mr. Hawes seconded the motion and it carried with a vote of 10-0.

Mr. Hawes had to leave to attend another meeting.

NEW BUSINESS

RZ-02-10; INTERSTATE BRANDS REZONING; A request initiated by Donald L. Door on behalf of Interstate Brands Corporation to rezone a 0.455 acre, five foot strip of land along the southeast side of Lot 1A of Administrative Resubdivision of Suverkrup/Interstate Brands Plat, at 3060 National Road, from B-5 (General Business) to I-2 (Medium Industrial).

Mr. Hunt said that Orwic Johnson with Columbus Survey & Engineering had submitted a letter on behalf of the owners, requesting that the Commission allow them to withdraw the requested rezoning without prejudice at this time.

Mr. Hunt stated this was a reasonable request and recommended approval.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this matter.

Mr. DeLap closed the public meeting.

Motion: Ms. Zeigler made a motion to approve the request. Mr. Bonnell seconded the motion and it carried with a vote of 9-0.

RZ-02-09; 2040 COTTAGE AVENUE/21st STREET & COTTAGE AVENUE – A request by Ray Fortmeyer and Orinoco Property, Inc., to rezone property located at the southwest and northwest corners of 21st Street and Cottage Avenue, more specifically 2040 Cottage Avenue, Columbus, from I-2 (Medium Industrial District) to B-5 (General Business District).

Ms. Pope presented background information on this request as follows;

This property was used for industrial purposes several years ago. Currently, these parcels are vacant. Orinoco Properties, Inc. is in the process of purchasing these parcels from Ray Fortmeyer. Orinoco Properties, Inc. has marketed this property, with potential tenants being a restaurant, cycle shop, and different service/retail/trade shops.

The property located on the northwest corner of 21st Street and Cottage Avenue is currently a vacant lot with rough asphalt and a dilapidated storage shed.

The property located on the southwest corner of 21st Street and Cottage Avenue currently has an old vacant industrial building. The building is in need of some repair. The most desirable use for this property is a low intensity type business. The property immediately to the west is zoned and used residentially. However, the property immediately located to the east is zoned and used for intensive commercial. This is located one street west of one of the major thoroughfares in Columbus, Central Avenue. Therefore, there should be a transitional use between residential and intensive commercial.

There is no reason to expect property values to change as a consequence of this rezoning, as there are already commercial uses in this area.

The rezoning is consistent with surrounding land uses. Staff would recommend the rezoning with three conditions:

1. A site plan meeting and standards and requirements of the Zoning Ordinance shall be reviewed and approved by the Plan Commission prior to issuance of any Zoning Compliance Certificate for this property or portion thereof.
2. Outdoor sales and/or display of merchandise (per Section 17.34.020 of the Zoning Ordinance) shall not be permitted on the subject property.
3. Any off-site parking will require the Board of Zoning Appeals approval.

John Councillor represented the petitioner.

He said they were going to rehab the building located on Central Avenue that had been used for industrial purposes. He said they were going to make room for parking in the front of the building and put on a new façade on the front. He said the building had been vacant for two years and they have one receptive tenant which is a restaurant. He said there would be adequate parking across the street with the 21st street lot being used. A conditional use needs to be granted to allow off site parking.

Ms. Zeigler asked the number of tenants that they were expecting to occupy the building.

Mr. Councillor said there would be three tenants.

Mr. DeLap opened the meeting to the public.

There was no one present to speak for or against this request.

Mr. DeLap closed the public meeting.

Ms. Zeigler stated she had been on the plan commission long enough to see the progress that was being made at that location and was pleased with the improvements on Central Avenue.

Motion: Ms. Zeigler made a motion to approve this request with conditions. Mr. Heaton seconded the motion and it carried with a vote of 9-0.

SU-02-17; KINGDOM HALL OF JEHOVAH'S WITNESSES REZONING, By Jehovah's Witnesses, is a proposal to rezone a 10.89-acre lot from AG (Agricultural District) to SU-1 (Churches). The property is located on the east side of US 31, 160 feet north of Base Road in Columbus Township.

Mr. Hunt presented the background information of this request as follows:

This parcel is currently used in an agricultural operation. Jehovah's Witnesses have petitioned to rezone the parcel to SU-1 (Churches) in order to build a new church on the site. Peak hours of operation will be two times on Sundays. The English service will take place from 10 A.M. to noon and the Spanish service will take place from 1 P.M. to 3 P.M.

The petitioners are proposing 101 parking spaces and 3 handicap spaces with one of those being van accessible. Plan Commission may set the number of parking spaces in the case of an SU district. In the past, the Commission has used parking requirements for other zoning districts as a guideline. In the case of a church in a district other than an SU district, the ordinance requires 1 parking space per 3.5 seats. This would translate into 43 spaces for this church, which is to have 150 seats. We have known for some time that our church parking requirements are well below true demand. Even so, the petitioners are proposing twice the number of spaces that would normally be required, and this may be excessive. Staff recommends that the number of parking spaces be reduced to between 80-90.

Some parking lot landscaping and/or buffering should also be required. In non-SU districts, lots of over 100 spaces would be required to landscape all street frontages with a "Type C" buffer. Lots of fewer than 100 spaces may utilize either frontage or interior plantings. Staff recommends that the Landscape Review Committee review landscaping for the site, including parking lot landscaping.

Circulation for the portion of the lot that the petitioners will be utilizing appears adequate. There is also frontage on CR 275 East. However, there are no plans for direct access from CR 275 East to the developed portion of the site.

Landscaping: In Special Use Districts, plan commission has the authority to regulate landscaping. Landscaping plans are currently in the process of being revised by the petitioners. If this were a standard commercial property, required landscaping points would be 18,765 points. Each frontage (US 31 and CR 275 East) would be required have at least 4,691 points in the front yard.

The petitioners do not intend to develop most of the 10.89 acres; therefore, it is staff's recommendation that the landscaping be reviewed in detail by the Landscape Review Committee. Landscaping for the parking area is discussed under "Parking."

The petitioners are requesting two signs sign plan identical in size and shape, one is proposed to be in English, the other in Spanish. The dimensions proposed for the signs are 6'10" x 12'6". Since they are over 6' tall, 200 points of landscaping will be required around the base of each. This is not shown on the site plan.

There are no nearby sidewalks with which to connect. Because this parcel is located in the 2-

mile jurisdiction, because the use on this property would generate little to no pedestrian activity, and because it will be located on a state highway, staff does not object to granting relief of the sidewalk requirement.

City Engineering will require additional information regarding the drainage. Staff has contacted the petitioner regarding this issue.

Staff would recommend approval with conditions.

Mr. Kenneth O'Connell a member of the church and the Regional Director of Building for the church represented the petitioner.

Mr. DeLap opened the meeting to the public.

There was no one to speak for or against this matter.

Mr. DeLap closed the public hearing.

Motion: Ms. Zeigler made a motion to approve with staff comments and that this request be submitted to the Landscape Review Committee. Mr. Heaton seconded the motion and it carried with a vote of 9-0.

RZ-02-11; DEB PERR 22ND STREET REZONING – A petition by Deborah Perr, on behalf of Ventra Corporation (Bob Gates) and Anthony Spachtholz, to rezone approximately 1.3 acres, located on the south side of 22nd Street between Central Avenue and Cottage Avenue along the former railroad right-of-way, from I-2 (Medium Industrial) to B-5 (General Business).

Mr. Hunt presented the background information as follows;

The property in question is a portion of the old railroad right-of-way that formerly connected downtown Columbus to points north and east. This particular tract runs from 22nd Street south past the dead-end of 21st Street and an alleyway halfway between 21st and 20th Streets. The applicant has acquired title, or is in the process of doing so, for all the property in the block bounded by Central, 21st, Cottage, and 22nd, except for a small sliver on the west side of the old railroad bed on the northwest corner of 22nd and Cottage.

The railroad created a messy land-ownership situation when they gave up ownership of this property, and subsequent property owners have been cleaning up the complexities ever since. This rezoning would allow redevelopment of the block for business use. The properties closest to Central are already zoned B-5. This would include the Home Folks Restaurant, which the staff understands is to be relocated so the property can be razed for new development.

These properties would have to be replatted into a single lot for development to occur. This process is already underway. The first step is vacating the alleys that divide some of the lots; the Plat Committee has already recommended approval with technical changes. Following successful vacation, an administrative resubdivision would take place. The staff sees no conceptual or practical difficulties in this process.

We have three different development proposals in the works for three different blocks in this immediate vicinity: this proposal by Deb Per; the petition by Mr. Councillor one block southwest; and a proposal by Russell Development to redevelop the site of Scooters

Restaurant for office and/or retail use. All of these proposals, taken together, amount to a significant change in the Central Avenue corridor between 17th and 25th Streets. This area is very appropriate for retail and other visible types of business use; however, if all three sites were to develop to the maximum intensity at once, there might be unforeseen consequences for traffic, storm water drainage, light spillover, and similar impacts. For example, if 21st Street becomes a much busier street than it is now, we might need to give attention to traffic control at 21st and Central – if not now, then at some future time.

The staff believes that this is nothing that cannot be handled through good planning. In order to get a grip on the timing and scope of development, though, we are recommending that a site plan be reviewed and approved by the Plan Commission prior to development. This recommendation is being made for both the Perr and the Councillor rezoning petitions. (The Russell property will need a variance for development as proposed, and a concept plan has been submitted.)

Mr. E.R. Gray of E.R. Gary and Associates and Deborah Perr represented the petitioners

Mr. Heaton asked if this rezoning included the car sales located in this area. Mr. Hunt stated that the car lot already has the same zoning.

Mr. Gray said they were in agreement with staff comments.

Ms. Perr stated that they were representing a client that would be constructing a very upscale, masonry structure. Eventually, the intent would be to open 21st Street as well. They are talking with someone about acquiring land that is to the southeast of the property. That would also accommodate Mr. Councillor's proposed usage of his building. She said that there is a possibility the restaurant that is located on this parcel would be moving to Mr. Councillor's building.

Ms. Zeigler asked which street the building would face. Ms. Perr said they had two buildings proposed. One would be facing the corner of 22nd and Central; the other one would be primarily fronting on Central. Ms. Zeigler stated she was pleased with progress in this area.

Mr. DeLap opened the meeting to the public.

Mr. Ken St.Clair expressed concern about ownership of the railroad right-of-way.

Much discussion was held regarding the legal ownership of the railroad right-of-way. Mr. St. Clair asserted that Ventra did not own the property and that he had a claim of ownership.

Mr. DeLap asked Mr. Hunt to explain how the plan commission establishes determination of ownership. Mr. DeLap said if these standards have been met in this request then it is not the board's place to determine who legally owns the property. It would be the responsibility of the courts to have the final decision, if the parties involved choose to pursue litigation.

Mr. Hunt said when the office receives a petition the signature space is signed. The next step is going to the Auditor's Office to look up the records that show ownership. If that matches the filing on the signature page, it satisfies our test of proper ownership. If the office would go beyond that scope it would require a full time legal employee to research deeds, etc

Mr. DeLap asked if this request had met this requirement.

Mr. Hunt stated that a signature on the application matched the ownership at the Auditor's office, which was Ventra Corporation. Mr. Hunt said that only the property owners could initiate a rezoning.

Mr. John Councillor said that he was in favor of this rezoning and it would make a considerable improvement in the neighborhood.

Mr. Bob Goddard said he owned property in the area and spoke in favor of the rezoning.

Mr. DeLap closed the public hearing.

Motion: Mr. Bonnell made a motion to approve this request with staff comments. Ms. Zeigler seconded the motion and it carried with a vote of 8-1 with Ms. Todd being the nay vote.

Mr. Gillespie left the meeting.

A-O-02-01; AMENDMENT TO ZONING ORDINANCE REGARDING FRONT BUILDING SETBACKS – An amendment to clarify zoning requirements concerning front setbacks lines for buildings and structures, in cases involving right-of-way width greater than the minimum required by functional street classification type.

Mr. Hunt presented the background information of this request as follows:

After further discussion of the draft amendment with the development community, the staff has made a few additional changes in the draft. All but one of these changes merely rearranges the text to flow more logically.

The only change of substance from your the draft is first addition of a separate garage setback in new subsection (C). In addition to the absolute minimum of 10 feet included earlier, we are recommending a greater absolute setback of 20 feet for a garage. The reason is that driveways must connect garages to the street. Many residents and visitors park in driveways. It is not good public policy for the tail end of a car or truck to stick out into the right-of-way, even though the edge of right-of-way might be some distance from the actual roadway. Among other reasons, public sidewalks are often near the edge of right-of-way, and it is annoying and possibly unsafe for a vehicle to block the sidewalk. Since the Zoning Ordinance standard length for a parking space is 20 feet, we have included this figure as the minimum garage setback.

The question is asked: What happens to properties that are closer than the absolute 10-foot minimum (or 20-foot for garages)? The answer is that they become legally non-conforming. Just as with any other legally non-conforming structure, they can continue as is, but if destroyed or damaged severely, reconstruction can only be done within the new setback. This is no different from the current situation. In fact, the new rule is designed to reduce the number of these nonconforming buildings, by allowing setbacks to be unaffected by road widening.

With the National Road project looming, this amendment is needed and probably overdue. Leaving the current ordinance in place will result in nonconformities for many, perhaps most, property owners along the busiest parts of National.

Staff continues to recommend that the Plan Commission pass this amendment to City Council with a favorable recommendation.

Mr. DeLap opened the meeting to the public.

Orwic Johnson of Columbus Surveying spoke in favor of the amendment.

Mr. DeLap closed the meeting to the public.

Motion: Mr. Ruble made a motion to approve this request. Ms. Zeigler seconded the motion and it carried with a vote of 8-0.

DIRECTOR'S REPORT

Mr. Hunt stated that there would be two public Thoroughfare Plan meetings. They will be held on January 16 and January 23, 2003 6:30 p.m. to 7:30 p.m. in two different locations. He said he would prefer to have one in the northern part of the city, specifically at the airport, and one in the southern part of the city. This will give the public a chance to voice their opinions regarding this plan.

ADJOURNMENT: 6:15 P.M.